

REMARKS

Applicant respectfully requests favorable reconsideration and reexamination of this application.

Claims 1 and 17 have been revised. The revisions are supported by, for example, Figs. 1, 2, 6, 14, and 15.

There is no new matter. Claims 1-8, 10-11, 14-17, and 19 are pending.

Claim Rejections – 35 USC § 102

Claims 1-5, 7-14, 16, 17, and 19-22 were rejected under 35 USC 102(b) as being anticipated by Duchon et al. (US 5879311). Applicant traverses the rejection.

Regarding claim 1, the rejection stated that Duchon et al. discloses a lancet unit including a case 12 that is temporarily attached to a housing 22 of a lancing apparatus. Applicant respectfully disagrees. The rejection also stated that the recitation “the housing and the movable member [of the lancing apparatus] forming no part of the lancet unit” was deemed not to impose any structural limitation (pages 6-7 of the Office Action). Applicant does not concede the correctness of the rejection.

Claim 1 has been revised to recite that the lancet unit form no part of the lancing apparatus. The lancet unit comprises a case, a support member, and engagement means, all of which are structural features of the lancet unit that forms no part of the lancing apparatus. The claim revisions are clearly and inherently supported by the recitation “the housing and the movable member [of the lancing apparatus] forming no part of the lancet unit.”

Thus, claim 1 is clearly directed towards a lancet unit that is provided separately from a lancing apparatus, and is a device configured to supply a lancet to and remove the lancet from the lancing apparatus. The structural features of the lancet unit recited in claim 1 are not directed towards the lancing apparatus.

In contrast, Duchon et al. discloses a lancing apparatus (lancing device 10, see Fig. 3A). Duchon et al. does not disclose a separate device for supplying a lancet to and removing the lancet from the lancing apparatus. Even if the lancing device 10 in Duchon et al. can be disassembled, the components shown and identified by the Examiner are all parts that form the lancing device 10. Thus, the rejection must identify a structure that is separate from the lancing

apparatus and its components to satisfy the limitations recited in claim 1. Otherwise, the rejection would be mischaracterizing the language of the claim.

Duchon et al. does not disclose the lancet unit recited in claim 1. Claim 1 is patentable over Duchon et al. Claims 2-5, 7-14, 16 are patentable for at least the same reasons as claim 1 from which they depend. Applicant respectfully requests favorable reconsideration of the claims.

Claim 17 has been revised to specifically recite the structural features of the lancet unit, which comprises a case, a support member, and engagement means, all of which are structural elements that form no part of the lancing apparatus. The claim revisions are clearly and inherently supported by the recitation "the housing and the movable member [of the lancing apparatus] forming no part of the lancet unit." The claim revisions are also supported by the Figures and the disclosure in the Specification. Claim 17 is also directed towards a lancet removal tool for removing a lancet from a lancing apparatus, the lancet removal tool being provided separately from and temporarily attached to the housing of the lancing apparatus at the time of removing the lancet from the lancing apparatus. Duchon et al. fails to teach a device that is provided separately from the lancing device having the features recited in claim 17. Even if the lancing device 10 in Duchon et al. can be disassembled, the components shown and identified by the Examiner are all parts that form the lancing device 10. Thus, the rejection must identify a structure that is separate from the lancing apparatus and its components to satisfy the limitations recited in claim 1. Otherwise, the rejection would be mischaracterizing the language of the claim. Therefore, claim 17 and its dependent claims 19-22 are patentable over Duchon et al. Applicant respectfully requests favorable reconsideration of the claims.

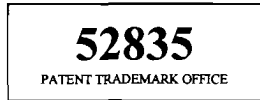
Claim Rejections – 35 USC § 103

Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Duchon et al. in view of Mitchen (US 5014718). Applicant does not concede the correctness of the rejection.

Mitchen fails to remedy the deficiencies of Duchon et al. stated above in regard to claim 1. Thus, claim 15 is patentable for at least the same reasons as claim 1 from which it depends. Applicant respectfully requests a favorable reexamination and reconsideration of the claim.

Application Serial No. 10/523176
Reply to Action dated 08/25/2010

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300 at (612) 455-3804.



Dated: January 25, 2011

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300
DPM/ajk